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1180

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/913,518 11/04/97 DEBALME

J 1247-709-3VF

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EXAMINER

AFTERGUT, J

ART UNIT	PAPER NUMBER
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1733

DATE MAILED:

08/06/01

28

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	08/913,518	DEBALME ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeff H. Aftergut	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 July 2001.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 and 5-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 and 5-14 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1 and 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis in view of O'Connor optionally further taken with PCT WO 90/14457 for the same reasons as presented in paper no. 19, paragraph 2.

Francis, O'Connor, and PCT '457 are applied for the same reasons as presented in paper no. 19. The applicant should additionally note that Francis suggested that during the heating and cooling operation the felt and the fabric would have been united with heat and cooling wherein the same was under substantial pressure if desired whereby any thickness and density for the finished product would have been attainable, see column 9, lines 40-54. Additionally, the reference to Francis taught that the laminated product would have been useful in a three dimensional molding operation wherein the same was reheated and shaped in the molding operation, see column 11, lines 28-36.

***Response to Arguments***

3. Applicant's arguments filed 7-11-01 (with the response after final dated 5-29-01 have been fully considered but they are not persuasive.

The applicant argues that the reference to Francis was intent upon forming a light weight, low density porous product when the felt was secured to the fabric strip and that the product produced by the process of the claimed invention was a flat, rigid, substantially non-porous material which was ready to be molded. The applicant is advised that: (1) the claims as presented are not commensurate in scope with the applicant's arguments because there is no indication that

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the sheet material produced by the process was one which was flat, rigid, and substantially non-porous (additionally there is no after molding step recited in the claims after the material has been produced), and; (2) as pointed out above the reference to Francis clearly suggested that substantial pressure would have been applied to the material of the felt and fabric during the bonding operation to produce a dense product of any desired thickness (also note that Francis suggested that the assembled product would have been useful in the molding of a composite article after formation where the material was suitably shaped in the molding operation).

The reference to O'Connor was cited to show that those skilled in the art would have utilized commingled fibers in the composite article manufacture. The reference was not cited to show the delivery of a chopped fiber felt and a fabric along a conveyor in a continuous article manufacture and it need not provide such a teaching because the reference to Francis suggested the same.

The reference to PCT '457 was merely cited to show the conveyance and take up of the composite material in a composite article manufacture. Such was suggested by Francis but was further evidenced with PCT '457.

No claims are allowed.

### *Conclusion*

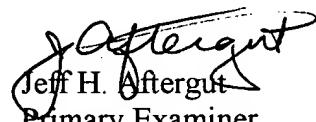
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 703-308-2069. The examiner can normally be reached on Monday-Friday 6:30-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on 703-308-2058. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-305-3599 for regular communications and 703-305-7718 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Jeff H. Aftergut  
Primary Examiner  
Art Unit 1733

JHA  
August 3, 2001